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Before the
Federal Communications Commission
Washington, D.C. 20554

PR Docket No. 92-78 ✓

In the Matter of

Amendment of Part 90 of the
Commission's Rules Pertaining
to End User and Mobile Licensing
Information.

RM-7407

RM-7749

REPORT AND ORDER

Adopted: September 17, 1992; Released: October 2, 1992

By the Commission:

I. INTRODUCTION

1. This *Report and Order* amends Part 90 of our Rules to eliminate or modify various regulations that impose unnecessary burdens on private land mobile licensees. First, we are eliminating the requirement that licensees of shared systems that do not individually license their end users maintain and periodically furnish detailed information about their customers. Second, we are replacing the requirement that certain private land mobile licensees file license modification applications when there is a change in the number of authorized paging or mobile units with less burdensome procedures that will yield more accurate spectrum utilization information.

II. BACKGROUND

2. *The Relevant Rules.* Section 90.179(e) of the Commission's Rules requires that applicants for shared stations¹ submit an "end user list" with their applications. This list must contain the names, addresses, contact persons, and phone numbers for all proposed system users, the nature of each user's business or activity, and the number of mobiles and control stations each user will initially place into operation. The licensee is also required to submit an

updated version of the end user list to the applicable frequency coordinator eight months after license grant, annually thereafter, and whenever the system's total mobile and control station count decreases by 20 percent from the licensee's current authorization.

3. Section 90.135 of the Commission's Rules describes the various changes in licensed facilities that require license modification. Unlike Section 90.179, which applies only to licensees of shared systems, Section 90.135 applies to all Part 90 licensees. At issue in this proceeding are Section 90.135(a)(8),² which requires license modification when there is a change of 50 or more units in the number of authorized pagers, and Section 90.135(a)(5),³ which mandates license modification when there is a change in, among other things, the number of authorized mobiles. Also relevant to this proceeding is Section 90.127(c), which applies to all applicants for Part 90 licenses, and instructs each applicant to limit its request for authorized mobile transmitters to the number that will be in use within eight months of the authorization date.⁴

4. *Notice of Proposed Rule Making.* On April 9, 1992, we adopted a *Notice of Proposed Rule Making (Notice)*⁵ that proposed to (a) eliminate the end user list requirement imposed on licensees of shared systems that do not license their end users;⁶ (b) require systems operating on paging-only channels to modify their licenses only when the number of pagers increases or decreases by 35 percent; (c) require systems operating on two-way channels to modify their licenses when the number of mobiles increases or decreases by 20 percent;⁷ and (d) under certain circumstances, permit licensees to file applications for license modification to reflect a change in the number of pagers or mobiles directly with the Commission rather than through a frequency coordinator.⁸ We also requested comment on whether license modification to reflect a change in the number of mobile or paging units should be required only at the time of license renewal. We excluded from the scope of our license modification proposals those systems licensed in the 470-512 MHz and 800/900 MHz bands that have not earned exclusive use of their channels. Fourteen comments and five reply comments were filed in response to the *Notice*.⁹

III. DISCUSSION

The End User List Requirements

5. *Proposal.* The *Notice* tentatively concluded that the end user list serves no useful administrative purpose for the Commission in processing and licensing private land mobile radio systems.¹⁰ The *Notice* further concluded that

¹ Our rules permit sharing of licensed facilities among eligible users on either a not-for-profit, cost-shared basis or a for-profit private carrier basis. See generally, 47 C.F.R. § 90.179. The end users sharing a system may choose to be individually licensed or may opt for an arrangement where only the base station licensee obtains all required authorizations, including those necessary to operate mobiles on the system. A station is considered shared when end users not licensed to operate a base station are capable of remotely operating the base station for their own purposes pursuant to the base station licensee's authorization. 47 C.F.R. § 90.179. See also *Telocator Network of America v. FCC*, 761 F.2d 763 (D.C. Cir. 1985).

² 47 C.F.R. § 90.135(a)(8).

³ 47 C.F.R. § 90.135(a)(5).

⁴ Applicants in the Public Safety Radio Services, governmental applicants in the Special Emergency Radio Service, and applicants that are licensed pursuant to an extended implementation schedule are subject to different requirements. 47 C.F.R. §§ 90.129 (c)(3) and (4).

⁵ Notice of Proposed Rule Making, PR Docket No. 92-78, 7 FCC Rcd 2877 (1992).

⁶ Notice at 2880.

⁷ Notice at 2880 - 2881.

⁸ Notice at 2882.

⁹ The *Notice* established June 26, 1992, and July 13, 1992, as the filing dates for comments and replies, respectively. See Appendix B for a list of parties filing comments and replies.

¹⁰ 7 FCC Rcd at 2879.

end user lists are not essential to the frequency coordinators' functions because coordinators obtain necessary spectrum utilization information through the license modification process.¹¹ In this respect, we observed that it is unclear whether licensees are submitting end user lists to coordinators on an annual basis and that we have no mechanism for assuring compliance with this aspect of Section 90.179(e).¹² We therefore proposed to eliminate all requirements that end user lists be submitted to us as part of the application process or subsequently to coordinators, and requested comment on public interest considerations that might outweigh our assessment that the regulatory burden imposed by end user submissions is unjustified. We reminded licensees that even if end user lists were eliminated, the Commission can and will request end user information from licensees in order to confirm end user eligibility.¹³

6. *Comments.* All commenters supported elimination of the requirement that an end user list be submitted with the initial license application.¹⁴ Other commenters also supported eliminating the periodic submission of end user lists to frequency coordinators.¹⁵ In support of the latter position, one commenter contended that end user lists do not adequately show the level of usage of a frequency,¹⁶ while other commenters expressed concern about the potential for infringement of customer data confidentiality through misuse of end user lists.¹⁷

7. *Discussion.* Our objective in this proceeding is to develop regulations that will meet our needs and the needs of the coordinators without imposing an undue burden on the public. Virtually all the commenters support our proposal to eliminate the submission of end user lists both to the Commission and to frequency coordinators.¹⁸ After considering the unanimity of comments submitted recommending termination of the end user list requirement, we have decided to adopt the proposal set forth in the *Notice* and eliminate the end user lists, which we consider to be an unnecessary regulatory burden imposed on our licensees by the current Rule.¹⁹ Consistent with our objective to minimize unnecessary regulatory burdens on the public, we will instead request only that information needed to enable us to fulfill our spectrum management obligations and simultaneously enable the coordinators to meet their frequency coordination functions.

8. In this regard, we agree with NABER's Reply Comments and Columbia's Comments that the number of mobiles or pagers is the information provided in the end user list that is most relevant to any determination of spectrum utilization by the frequency coordinators.²⁰ This information, however, can be obtained through the license modification process. It is therefore apparent that the end user list requirement should be eliminated because it elicits information that is redundant of information we are able to collect through other, less burdensome regulatory mechanisms.²¹ As indicated by the discussion that follows, we conclude that information regarding spectrum utiliza-

¹¹ *Id.* at 2880.

¹² *Id.* at n.32.

¹³ *Id.*

¹⁴ The Utilities Telecommunications Council (UTC) Comments at 2, Columbia Communications, Inc., *et al.* (Columbia) Comments at 1, Celpage, Inc. (Celpage) Comments at 3-4, The Association of American Railroads (AAR) Comments at 3, Brown and Schwaninger (B&S) Comments at 2, The Special Industrial Radio Service Association, Inc. (SIRSA) Comments at 4. The National Association of Business and Educational Radio, Inc. (NABER) agrees that there is no need for most of the information required by end user lists for private carrier paging systems (PCP), but maintains that information about the number of users by paging format is significant to spectrum utilization and should be submitted with the application, at the eight-month construction benchmark, and then annually. NABER states that the information could be provided directly to the Commission with a copy to the coordinator, or directly to the coordinator, which could enter the information in its data base with no additional fee. NABER Reply Comments at 3-4. We note that NABER continues to assume that all PCP licensees are required to submit end user lists to coordinators on an annual basis. However, only *shared* PCP systems, of which there are very few, are subject to the end user requirements of § 90.179(e). See *Notice*, 7 FCC Rcd at 2880 n.38, and Attachment to NABER Comments (example of shared PCP that is subject to end user list requirement). NABER's concerns regarding the need for end user information for systems licensed on paging-only channels will be addressed in the context of our later discussion on license modification requirements. See paras. 11-14, *infra*.

¹⁵ SIRSA Comments at 5, UTC Comments at 2, Columbia Comments at 4, and B&S Comments at 2.

¹⁶ Columbia Comments at 2.

¹⁷ Celpage Comments at 4-5, B&S Comments at 2-3, and Columbia Comments at 3. Cf. UTC Comments at 3, and SIRSA Comments at 5 (little risk of coordinators' infringing on confidentiality).

¹⁸ As a separate matter, GTE Mobilnet Inc. and Contel Cel-

lular Inc. (GTE and Contel) filed joint comments indicating that the proposal to eliminate end user lists is a change in the SMR regulatory scheme that would blur the distinction between SMR and common carrier wireless services. GTE and Contel urge the Commission to address the distinction between private and common carrier wireless services before taking any action in this proceeding. GTE and Contel Comments at 2-3. SIRSA responds that Section 90.179 of the rules does not apply to SMR systems and that delay in this action would be adverse to the public interest since the private/common carrier issue would be more properly addressed in another proceeding. SIRSA Reply Comments at 4. We agree with SIRSA's Reply Comments that this proceeding should be resolved expeditiously without consideration of extraneous issues that would be more appropriately addressed elsewhere.

¹⁹ Eliminating end user lists also solves the concerns of list confidentiality raised by various commenters. See Celpage Comments at 4-5, B&S Comments at 2-3, and Columbia Comments at 3.

²⁰ NABER Reply Comments at 3-4, and Columbia Comments at 2.

²¹ AAR expressed concern that the applicants or licensees may overstate the number of end users on their systems to limit the amount of sharing on their channels. AAR Comments at 3. SIRSA also requests that end user lists be retained for non-profit cooperative systems operating shared channels above 800 MHz to ensure that frequency requests are not overstated. SIRSA Comments at 4. Information regarding eligibility of end users and confirmation of whether a system is really serving those end users or is "paper loading" are important parts of our spectrum management responsibilities. These issues, however, generally arise in the context of a compliance action and, in such instances, we obtain information directly from the licensee, pursuant to Section 307(b) of the Communications Act. Getting this information directly from licensees on an as-needed basis would not only help to ensure its accuracy, but would also be less burdensome than an across-the-board annual reporting requirement for all licensees. See, e.g., NABER Reply Comments at 3-4.

tion can be provided to us and the coordinators in a more reliable and less burdensome form through revised license modification and license renewal procedures.²² Coordinators requiring more information than that provided through these new procedures may request that information directly from the licensee. We will not, however, impose any requirement on the licensee to provide such information to the coordinator or to the Commission.

License Modification For Paging and Two-Way Systems

9. *Proposals.* In the *Notice*, we proposed new license modification requirements for both two-way systems and systems operating on paging-only channels. For two-way systems, the current rules require licensees to modify their licenses when any change occurs in the number of mobiles on their system. We considered this requirement to be too burdensome and therefore proposed that licensees of two-way systems be required to modify their licenses only when their number of mobiles increased or decreased by 20 percent from that authorized.²³ We asked, alternatively, whether a change in the number of mobile units need only be authorized at the time of license renewal.²⁴ A current rule also requires licensees to modify their licenses when there is a change of 50 or more in the number of paging receivers operating on their systems. We also considered this rule to be unnecessarily burdensome on our licensees and thus proposed that systems operating on paging-only channels be required to modify their licenses only when their number of pagers increased or decreased by 35 percent.²⁵ We invited comment on whether this approach would provide adequate information to ensure a reliable indication of channel occupancy. Given that it is our current practice to routinely grant applications to add paging units, we also asked whether there is any need at all for a modification of a system's license when a licensee merely increases the number of pagers on its system.²⁶

10. *Comments.* The commenters unanimously support reducing the frequency with which licensees on both two-way and paging-only systems must file license modification applications when there is a change in the number of mobiles or paging units.²⁷ With regard to paging systems, some commenters, such as SIRSA and The International Municipal Signal Association and the International Association of Fire Chiefs, Inc. (IMSA/IAFC), support the pro-

posal delineated in the *Notice*,²⁸ while others offer variations on this proposal²⁹ or suggest different approaches.³⁰ For example, NABER, PageNet and Celpage recommend an annual reporting requirement indicating the number and type of pagers. Commenters addressing our proposal regarding license modification for two-way systems also offered various alternative proposals. For example, MRFAC suggests that we require license modification whenever the number of mobiles fluctuates by 20 percent or by 100 units, whichever is less.³¹ Other commenters support the proposal as delineated in the *Notice*.³²

11. *Decision.* There is a clear consensus among the commenters for reducing the frequency with which licensees are currently required to modify their licenses when increasing or decreasing their number of mobiles or pagers. We believe that our current license modification requirements are excessively burdensome and are designed to provide far more detailed information about spectrum utilization than we or the coordinators realistically need. Various commenters have offered different license modification or reporting proposals that, they claim, would provide coordinators with adequate information to perform their frequency coordination functions. It is our conclusion that replacing our current procedures with procedures requiring information about numbers of mobiles or pagers only at license modification or renewal will provide information adequate for frequency coordination and licensing. It is also our conclusion that obtaining this information in connection with modifications and renewals is likely to result in a more accurate base of information to support frequency coordination and licensing than the current system.

12. According to our estimates, fewer than one percent of all private land mobile licensees modify their licenses to reflect strictly a change in the number of authorized mobiles or pagers during the course of a given five-year license term. This suggests that an overwhelming majority of private land mobile licensees fail to modify their licenses in accordance with our license modification rules.³³ Furthermore, it is apparent that our existing license modification rules are essentially unenforceable because they would require us to confirm the number of mobiles or pagers associated with hundreds of thousands of licenses on an almost continuous basis.³⁴ Accordingly, we believe

²² Even though we are modifying Section 90.135(a), see para. 13, *infra*, to limit the extent to which the licensee must report changes in numbers of mobiles and pagers, we find that even under our modified rules we would have sufficient information for spectrum management purposes.

²³ *Notice* at 2881.

²⁴ *Id.* We asked further whether the 20 percent figure should apply to two-way systems with paging units.

²⁵ *Notice* at 2880.

²⁶ *Notice* at 2881.

²⁷ See, e.g., Paging Network, Inc. (PageNet) Comments at 4, SIRSA Comments at 6, and Columbia Communications Comments at 9.

²⁸ SIRSA Comments at 6, and IMSA/IAFC Comments at 5.

²⁹ For example, UTC favors a 20 percent or 25 percent benchmark figure that would apply only to systems with at least 100 units. See UTC Comments at 3.

³⁰ See NABER Comments at 14, PageNet Comments at 7 and Celpage Comments at 6. PacTel Paging (PacTel) suggests that we adopt an approach that would require license modification when a licensee reached a certain percentage (e.g., 20%, 40%) of

its total system capacity. See PacTel Comments at 7.

³¹ MRFAC contends that a straight 20% standard could do more harm than good. It is concerned that this threshold will not keep the coordinators and the Commission adequately apprised of significant changes in numbers of mobiles by large systems. In other words, MRFAC asserts that a change of less than 20% in a system with hundreds of mobiles could be significant and could seriously impact other co-channel users. See MRFAC Comments at 3.

³² SIRSA Comments at 7, APCO Comments at 2, and AAR Comments at 3.

³³ Accord, Comments of Mitchell Energy and Development Corp. (Mitchell), indicating that, as a business, because of continual fluctuations in numbers of mobiles, even a 20 percent license modification requirement would call for frequent and burdensome submissions of applications to modify licenses during a typical license term.

³⁴ Most of our more than 700,000 private land mobile licensees are not in the business of providing communications service, but instead use their communications systems as a tool to promote the efficient operation of their businesses. This appar-

that any new rules must be designed to obtain meaningful data relating to the number of mobiles and pagers operating on a system, to impose a minimal regulatory burden on both licensees and this agency, and to be realistically enforceable.

13. While it could be argued that perhaps a less burdensome approach toward license modification, i.e., our "20 percent-change" proposal for two-way systems and our "35 percent-change" proposal for paging systems, could result in better compliance on the part of private land mobile licensees, several commenters argue convincingly that our proposed approaches would remain too burdensome.³⁵ The alternative put forth by NABER and others to require licensees to report their number of mobiles and pagers annually has significant drawbacks. First, it would be needlessly burdensome to require licensees that neither increase nor decrease their number of mobiles or pagers during the course of a year to make an annual submission to us or to the coordinators.³⁶ Secondly, enforcement of such a requirement would strain our already-limited staff resources.

14. We have carefully considered the views expressed in the comments in our effort to develop the most efficient and least burdensome method for acquiring information on the numbers of mobiles and paging receivers³⁷ operating on private land mobile channels. Section 90.127(c) currently stipulates that applicants for private land mobile licenses shall limit their requests for authorized mobile transmitters to the number of transmitters they expect to

put into use within eight months of station authorization. As a consequence of this rule, applicants must provide us and the coordinators with an assessment of their initial loading levels.³⁸ We conclude that the most reliable procedure for ensuring that licensees inform us and the coordinators of changes in the number of authorized mobiles and pagers is through a requirement that licensees provide this information 1) whenever they request a license modification³⁹ and 2) at license renewal.⁴⁰

15. Adoption of this procedure will provide coordinators with more accurate data than they now acquire under our current rules and will significantly reduce the existing license modification burden on our licensees.⁴¹ Our experience is that private land mobile licensees typically request license modification at least once during their five-year license term. This new procedure, therefore, should provide both us and the coordinators with sufficient information on spectrum usage.⁴² For licensees that do not request license modifications during their license terms, information regarding their number of mobiles and pagers will be provided, at a minimum, at the five-year license renewal date. This may appear, at first glance, to be too infrequent a time period for obtaining this information for spectrum management purposes. When we consider, however, that under our existing rules, which would require substantial resources to assure full compliance, many private land mobile licensees may have significantly changed numbers of mobiles or pagers and may not have provided the required information as to those changes, these new proce-

ent failure of accurate information has not led to a disrupted frequency coordination or licensing system.

³⁵ See, e.g., Comments of PageNet and Mitchell.

³⁶ NABER, in reply comments, acknowledges that the Commission would be required to have an enforcement mechanism in place to detect licensees who fail to file the proposed annual reports. See NABER Reply Comments at note 3.

³⁷ We will not, as suggested by some commenters, require licensees on paging-only channels to report the type of system on a periodic basis. There is no need to indicate the type of paging system (e.g., digital or analog) because this can be readily determined from the emission designator on a licensee's initial application. Any subsequent change in a system's type of emission is subject to license modification, pursuant to Section 90.135(a)(2).

³⁸ It has also been the Commission's long-standing practice, which has received industry-wide acceptance, to apply this rule not just to mobiles but to pagers as well and thereby allow applicants for paging systems to request authorization for the number of pagers that they expect to put into use within eight months of their authorization date. We will therefore clarify Section 90.127 to reflect this practice.

³⁹ Licensees must request license modifications for those changes in facilities identified in Section 90.135(a) of our Rules, as amended. Currently, licensees are not required to provide information on their number of mobiles or pagers upon renewal or when requesting license modifications. Our records, however, indicate that our licensees, as a matter of course, identify their number of mobiles and pagers when applying for license modifications.

⁴⁰ In order to maintain the integrity of our licensing records, we will continue, as indicated in the Notice, to require licensees of systems operating in the 470-512 MHz band and on conventional channels above 800 MHz to modify their licenses in accordance with our current rule as long as the number of mobiles operating on the channel is below the number needed to obtain channel exclusivity. See 47 C.F.R. §§ 90.113 and 90.621(a)(2). Also, we decline in this proceeding to establish a signalling standard for systems operating on paging-only chan-

nels. A majority of commenters opposing adoption of a signalling standard contend that such a procedure would be too complicated. See B&S at 4-6, SIRSA Comments at 6-7, and Celpage Comments at 11. They also question whether the Commission could reliably measure use by this method. See SIRSA Comments at 6-7. We agree with these comments and thus will not pursue the signalling standard proposal at this time. Finally, we agree with Reply Comments that PacTel's alternative approach requiring license modification based on changes in channel utilization expressed as a percentage of total channel capacity, and demonstrated by traffic load studies filed with the application, would be unnecessarily burdensome to both licensees and the Commission. See PageNet Reply Comments at 7-8, SIRSA Reply Comments at 5, and NABER Reply Comments at 3.

⁴¹ The only "burden" on our licensees will now be to indicate on the FCC application form the number of mobiles or pagers that are in use on their systems. Currently, licensees requesting license modifications, do so by filing a Form 574. This form currently asks for information on numbers of mobiles and pagers (Box #12). Licensees requesting license renewal may submit either a Form 574-R or a Form 405-A. Neither of these forms currently asks for numbers of mobiles or pagers, but we plan to revise these forms in the near future. Until the Forms 574-R and 405-A are revised, however, applicants for license renewals will be required to file Form 574 (in accordance with Section 90.119(a)(3)) instead of the Forms 574-R or 405-A and must indicate on the Form 574 their current number of mobiles or pagers. Licensees filing a Form 574 for license renewal, in addition to providing information on numbers of mobiles or pagers (Box #12), will only have to provide the information required by Boxes #21, #22, #23, #24, #25, #32, #36, and #37.

⁴² We recognize that if private carrier paging licensees in the 900 MHz band were permitted to earn channel exclusivity, as proposed by NABER in its Petition for Rule Making (RM-7986), license modification for such licensees might no longer be necessary.

dures represent a significant improvement over the existing rules. We believe that the reduced burden that will occur as a result of our new procedures will lead to greater compliance on the part of our licensees and that this will result in a more accurate data base on spectrum usage. We conclude, therefore, that these new procedures will both improve the spectrum management and frequency coordination processes and, at the same time, relieve us and the private land mobile industry of unnecessary burdens.⁴³

IV. CONCLUSION

16. We are eliminating or modifying various rules that impose unnecessary regulatory burdens on private land mobile licensees. Only that information deemed essential to the fulfillment of our obligation to ensure efficient use of the spectrum, and the coordinators' functions regarding recommendation of frequencies, will now be required. Our rule amendments will provide more efficient and effective licensing procedures thus serving the needs of the public, the industry, and the Commission.

V. FINAL REGULATORY FLEXIBILITY ANALYSIS

17. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

Need and Purpose of the Action

18. The Commission is adopting these rule changes to eliminate unnecessary regulatory burdens on private land mobile licensees, many of whom are small business entities. This action will provide more efficient and effective licensing procedures thus serving the public, the industry and the Commission.

Issues Raised in Response to the Initial Regulatory Flexibility Analysis

19. There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

Significant Alternatives Considered and Rejected

20. All significant alternatives have been addressed in this Report and Order.

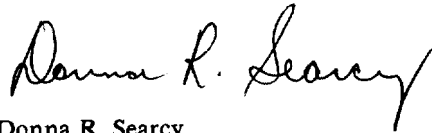
VI. ORDERING CLAUSES

21. Accordingly, IT IS ORDERED that, pursuant to the authority of Sections 4(i), 303(r) and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§154(i), 303(r) and 332(a), Part 90 of the Commission's Rules, 47 C.F.R. Part 90, IS AMENDED as set forth in the Appendix below, effective [ninety days after publication in the Federal Register].

22. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

23. For further information concerning this *Report and Order*, contact Freda Lippert Thyden or Tatsu Kondo, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

FEDERAL COMMUNICATIONS COMMISSION


Donna R. Searcy

Secretary

APPENDIX A

47 CFR Part 90 is amended as follows:

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303, and 332, unless otherwise noted.

2. 47 C.F.R. § 90.127 is amended by adding new paragraph (e) and revising paragraphs (c) introductory paragraph, (c)(1) and (c)(2) to read as follows:

§ 90.127 Submission and filing of applications.

(c) Each application shall limit its request for authorized mobile transmitters and paging receivers to:

(1) Mobile transmitters and paging receivers that will be installed and operated immediately after authorization issuance.

(2) Mobile transmitters and paging receivers for which purchase orders have already been signed and which will be in use within eight months of the authorization date.

(e) All applications for modification of license and renewal of license must include the number of mobile transmitters and paging receivers in use on the licensed facilities.

3. 47 C.F.R. § 90.135 is amended by deleting paragraph (a)(8) and by revising paragraph (a)(5) to read as follows:

§ 90.135 Modification of license.

⁴³ We note that if frequency coordinators believe that this procedure will not provide them with sufficient mobile and pager information, they may obtain additional information directly from licensees as the need arises. Also, if licensees believe that their facilities will be better protected from interference if their licenses reflect actual numbers of mobile or paging units, licensees are free to modify their licenses more frequently than our new procedure prescribes. If a licensee does request license

modification strictly for a change in number of mobiles or pagers, there is no need for these applications to be processed by a coordinator and the applications may therefore be filed directly with the Commission, with a copy of the application sent to the relevant coordinator. If, however, an applicant wishes to file its license modification request through a coordinator to take advantage of the various forms of assistance offered by coordinators, the applicant is free to do so.

(a)(5) Change in the authorized location or number of base stations, fixed, control or, for systems operating on non-exclusive assignments in the 470-512 MHz, 800 MHz or 900 MHz bands, a change in the number of mobile transmitters, or a change in the area of mobile operations from that authorized.

4. 47 C.F.R. § 90.175 is amended by adding new paragraph (g) to read as follows:

§ 90.175 Frequency coordination requirements.

(g) Applications for modification of license that only involve a change in the number of mobile transmitters or paging receivers from that authorized, except for systems operating on non-exclusive assignments in the 470-512 MHz, 800 MHz or 900 MHz bands, need not be accompanied by evidence of frequency coordination, but a copy of these applications must be sent to the applicable frequency coordinator at the same time they are filed with the Commission.

5. 47 C.F.R. § 90.179 is revised by removing paragraph (e) and redesignating paragraphs (f) and (g) as (e) and (f), respectively.

APPENDIX B

List of Parties Filing Comments

The Associated Public-Safety Communications Officers, Inc.

The Association of American Railroads

Brown and Schwaninger

Celpage, Inc.

Columbia Communications, Inc., Communications Center, Inc., Communications Ventures, Inc., Kentec Communications, Inc., Madera Radio Dispatch, Inc., Mobile Communications, Inc., Nu-Page of Winder, Paging Plus, and Tri-City Beepers, Inc.

GTE Mobilnet Inc., and Contel Cellular, Inc.

The International Municipal Signal Association and the International Association of Fire Chiefs, Inc.

Manufacturers Radio Frequency Advisory Committee, Inc.

Mitchell Energy and Development

The National Association of Business and Educational Radio, Inc.

PacTel Paging

Paging Network, Inc.

The Special Industrial Radio Service Association, Inc.

The Utilities Telecommunications Council

List of Parties Filing Reply Comments

Manufacturers Radio Frequency Advisory Committee, Inc.

The National Association of Business and Educational Radio, Inc.

PacTel Paging

Paging Network, Inc.

The Special Industrial Radio Service Association, Inc.